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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,572	04/12/2004	Shawn L. Lloyd	ITL.1113US (P18785)	2638
21906	7590	01/12/2006	EXAMINER	
TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			HARVEY, JAMES R	
			ART UNIT	PAPER NUMBER
			2833	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/822,572	Applicant(s) LLOYD ET AL.	
	Examiner James R. Harvey	Art Unit 2833	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1,3-11 and 13-19.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☒ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.



Continuation of 13. Other: Status of the claims does not change after entry of the affidavit.

-- In response to applicant's assertion (page 5, line 2) that the rejection indicates that the "adapted to" language is entitled to no weight, the examiner disagrees. The final rejection indicates (page 2, l 23) that Higashi is considered to be adapted to make wiping electrical contact with a solder ball inserted into the aperture. Further, applicant's figure 1 shows a contact adjacent the spherical solder ball that is not seen to differentiate between the structure of Higashi (figure 5) that also shows a contact adjacent the spherical solder ball.

-- In response to applicant's assertion (page 5, line 10) that it is clear that the fee ends intersect into the face of the flat land 31 as shown on figure 3 of Higashi, this argument is seen to be moot. The argument Applicant's claim language is directed to the spherical solder ball and not the "flat land". Furthermore, Higashi is seen as a spring that will deflect when a reactionary force from the spherical solder ball is imposed upon the spring.

-- In response to applicant's assertion (page 5, line 17) that wiping, rubbing and jabbing are limited to narrow meanings that are advantageous to applicant's arguments concerning patentability, the examiner disagrees. A proper examination of an applicant's requires the examiner to give each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability. Applicant's specification (page 3, line 6) mentions the word wiping, but does address how wiping is distinguishable over rubbing or jabbing. Further, applicant's figure 1 shows a contact adjacent the spherical solder ball that is not seen to differentiate between the structure of Higashi (figure 5) that also shows a contact adjacent the spherical solder ball.

-- In response to applicant's assertion (page 5, line lines 20-29 and page 6, line 1-4) that exhibits A and B show that Higashi does not show a S-shaped spring contact adapted to make wiping electrical contact with a solder ball, the examiner disagrees. Each of applicant's exhibits A and B are two dimensional drawings and they are only seen to show two dimension of the three dimensional spherical solder ball. Applicant's figure 1 shows a contact adjacent the spherical solder ball that is not seen to differentiate between the structure of Higashi (figure 5) that also shows a contact adjacent the spherical solder ball. Applicant's specification is not seen to address any particular structure that is not shown in applicant's figure 1 and neither do applicant's exhibits A and B. Higashi is seen to show a S-shaped spring contact adapted to make wiping electrical contact with a solder ball and makes the recitation unpatentable.